

TOP SECRET

20 February 1980

MEMORANDUM FOR THE RECORD

Staff Meeting Minutes of 20 February 1980

The Director was at his EOB office; Mr. Carlucci chaired the meeting.

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McMahon reported briefly on the following:

--Several reports indicate the GOI does not have control of the militants holding the hostages, a situation which could precipitate serious danger for the hostages. He said also reports via the PLO claim Arafat has met with Khomeini to ease the situation.

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--[] Pakistan has given assurances to Iran concerning economic assistance and will deliver materiel needed by Iran to bolster its defense against the Soviets.

--Soviet Foreign Minister Gromyko's visit with Prime Minister Indira Ghandi did not go well, because the latter was not persuaded on the Soviet rationale for invading Afghanistan, but Mrs. Ghandi clearly recognizes the Soviets currently hold a trump card in the current situation re Afghanistan.

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[REDACTED]

Fitzwater reported the Credit Union is now offering 15- and 30-month Treasury Rate Certificates of deposit at minimums of \$2,500. He said also the Credit Union will resume loans for autos and vans. [REDACTED]

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Hetu showed a 3-minute video tape of NBC's Today show of this morning which featured views on the recent Supreme Court decision re Frank Snepp, the unleashing of CIA, FOIA, and exposes by the Covert Action Information Bulletin. The program included comments by former Director Colby and former DIA Director LTG Graham. [REDACTED]

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Hetu called attention to today's New York Times coverage of the Supreme Court decision re Snepp (attached) and of dissenting court opinions centering on other than classified information in Snepp's book. Hetu asked Silver if the classification aspect was raised with the Justice Department; he said he recalled the Publications Review Board had found some 12 classified items in the book. Silver agreed and noted this had been brought to the attention of the Justice Department some time ago. [REDACTED]

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Hetu reported Warner Brothers is planning to produce a CBS television feature film on the Glomar. He noted also, and several agreed, that yesterday's Washington Post feature article, "Down on 'The Farm': Learning How to Spy for the CIA," (attached) revealed very little, considering the many months of preparation by Ted Gup. [REDACTED]

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Mr. Carlucci raised the matter of what appears to be a growing disregard by State and Defense for coordination with the Director of Central Intelligence in their briefings to foreign governments, often using sensitive information including satellite imagery. The matter was discussed at length, re such briefings to officials of Yugoslavia, Pakistan, Japan, Saudi Arabia, and others. Mr. Carlucci noted he had previously raised this matter with Deputy Secretary of Defense Claytor and Army's General Pustay re briefings [] and Clarke said they are preparing a memorandum for the Director's signature which highlights Director of Central Intelligence authority and responsibilities for coordination and procedures; Clarke said this must be the starting point. Mr. Carlucci asked that a finished draft be available for the Intelligence Community breakfast meeting tomorrow. Gates said, from a recent conversation with the Director, he believes the Director will not want to raise this issue with Secretary Brown until he is assured all efforts have been made at the interagency level. Mr. Carlucci indicated he would contact Deputy Secretary of Defense Claytor on this issue today. []

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[] reported briefly on the following:

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- The first Charters hearing before the SSCI will be held tomorrow; he said follow-up sessions may be necessary. [] noted the SSCI has forwarded 37 pages of questions for the Director and that most of the answers are being developed by OGC. Mr. Carlucci asked Gates to arrange time for the Director to review these questions and answers. 25X1
- The Director's presentation to the House Foreign Affairs Subcommittee on International Security and Scientific Affairs on the role of intelligence is scheduled for today. 25X1
- The Director's Strategic Perspective presentation to the SSCI is scheduled for 25 February. [] is pulling pertinent material together with NFAC for the Director.
- The Director's first presentation of the intelligence worldwide wrap-up to the Senate Budget Committee is scheduled for 26 February. [] 25X1

Silver took pleasure in noting the Supreme Court decision re Frank Snepp. [] 25X1

Wortman solicited nominations from attendees re Gambino's replacement. [] 25X1

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Page Denied

High Court Backs C.I.A. on Curb On Articles Its Employees Write

Special to The New York Times

WASHINGTON, Feb. 19 — The Supreme Court ruled today that an agreement requiring that employees of the Central Intelligence Agency not publish "any information" about the agency without specific prior approval is a judicially enforceable contract that applies to nonclassified as well as classified information.

The Court held that Frank W. Snepp 3d, a former C.I.A. officer who published an account of the fall of Saigon without the agency's permission, had "deliberately and surreptitiously violated his obligation" under the agreement. As a penalty, the Court said, Mr. Snepp must turn over to the Government all the earnings from the book. Three Justices dissented from the unsigned opinion.

The decision, *Snepp v. U.S.*, No. 78-1871, was a virtually complete victory for the Government, which brought a civil suit for breach of contract against Mr. Snepp two years ago.

While the Government had won the contract issue both in the trial court and

on appeal, the United States Court of Appeals for the Fourth Circuit reversed the damage award last March. The appeals court ruled that the requirement that Mr. Snepp turn over all his earnings was too drastic a remedy in the absence of any allegation that the former agent had disclosed classified information. The Government had not made such an allegation.

The appeals court also ruled that to win "punitive damages" from Mr. Snepp the Government would have to prove at a new jury trial that he had intentionally deceived C.I.A. officials into believing that he would abide by the secrecy agreement.

Such a requirement, the Court said today, deprived the Government of a "reliable deterrent" against violations of the agreement. To prove deceit, it continued, the Government might have to disclose "some of the very confidences that Snepp promised to protect."

"When the Government cannot secure its remedy without unacceptable risks," the Court said, "it has no remedy at all." A requirement that the agent turn over his earnings, the opinion continued, "simply requires him to disgorge the benefits of his faithlessness." Mr. Snepp has earned about \$125,000 from his book, "Decent Interval."

Mr. Snepp, who was represented by the American Civil Liberties Union, argued that the secrecy agreement was a prior restraint on constitutionally protected rights of free speech and was therefore unenforceable. Alternatively, he argued, the agreement gave the agency the right only to block disclosure of classified information and could not be used as the basis for penalizing disclosure of material not alleged to be classified.

Protection for the Agency

Today's opinion did not address the First Amendment argument and said that the nature of the disclosure was irrelevant. "Whether Snepp violated his trust does not depend upon whether his book actually contained classified information," the Court said, adding that the purpose of the agreement was to give the intelligence agency a "dependable prepublication review procedure" to insure that the agency, and not the individual employee, decides what information can be disclosed.

A dissenting opinion by Associate Justices John Paul Stevens, William J. Brennan Jr. and Thurgood Marshall accused the majority of granting the Government "unprecedented and drastic relief" in a manner that was "highly inappropriate and perhaps even beyond this Court's jurisdiction."

The majority decided the case without ever formally granting review or hearing arguments. The question of the remedy, as opposed to the breach of contract issue, was raised by the Government only in what it labeled as a conditional cross-petition, to be considered only if the Court decided to hear Mr. Snepp's appeal.

The dissenters also disputed the majority on the merits of the opinion. "Even if Snepp had submitted the book to the agency for prepublication review," they wrote, "the Government's censorship authority would surely have been limited to the excision of classified material. In this case, then, it would have been obliged to clear the book for publication in precisely the same form as it now stands. Thus, Snepp has not gained any profits as a result of his breach; the Government, rather than Snepp, will be unjustly enriched if he is required to disgorge profits attributable entirely to his own legitimate activity."

ARTICLE APPEARED
ON PAGE C6

THE WASHINGTON POST
19 February 1980

Down on 'The Farm': Learning How to Spy for the CIA

By Ted Gup
Washington Post Staff Writer

WILLIAMSBURG — The courses have leaned to the exotic.

Code work, lock picking (called "Picks and Locks"), opening packages without detection ("Flaps and Seals"), how to evade hostile pursuers ("Defensive Driving") and arranging pick-up of clandestine materials ("Drops").

For nearly 25 years, neophyte spies have left Washington to attend what some call Spy U., a training base here operated by the Central Intelligence Agency to prepare its agents for real-life cloak-and-dagger work overseas.

The heavily forested, 10,000-acre site is secretive, but hardly remote. Known as Camp Peary to outsiders and "The Farm" to CIA insiders, the base is a \$37 million complex nestled in deer-filled woods and tidal recesses within

minutes of two of Virginia's biggest tourist attractions—Colonial Williamsburg and Busch Gardens.

But if few of the area's one million annual visitors know Camp Peary exists, even fewer local residents used to restricted areas at the dozen-odd military bases in Tidewater show much curiosity about its role.

The CIA prefers it that way.

"You can't conduct that kind of training in the middle of G.W.," says William Colby, the former CIA director who visited the facility and lectured there during his years as the agency's chief.

Chain-link fence and stern-gazed military sentries keep away unwelcome outsiders, although local repair men occasionally are permitted on the base to perform maintenance work. When a local softball team spon-

sored by Lee Williams Exxon in Williamsburg played Camp Peary recently, the squad was met at the gate and accompanied to a playing field. The visitors won both games of a doubleheader, then were promptly escorted back off the base.

Like a longtime neighbor who keeps to himself, Camp Peary has gone about its quiet business since the days when white-haired, pipe-smoking Allen Dulles, then the CIA's director, established it to provide paramilitary training agency operatives.

Before that, it was a prisoner-of-war camp for captured German soldiers and before that a training base for Naval construction battalions (the Seabees). Ellis Bingley remembers when it was just a sleepy little Tidewater community known as Magruder. Bingley lived in a house there from 1921 to 1943. In 1976, he was permitted

to visit his old house under military escort, but was not allowed to enter.

"It's a big secret. Hasn't much leaked out about it. News is right scarce," says Bingley.

J. Patrick McGarvey, in a 1972 book called "The CIA: The Myth and the Madness," described an ornate mock border scene on The Farm, "replete with high barbed wire fences, plowed strips, watchtowers, roving patrols and searchlights." The recruits' mission was "to case the place" undetected.

Aerial photographs, taken by local authorities for tax purposes and available to the public, show widely scattered clusters of barracks and guest houses, an enormous warehouse, a gymnasium, target ranges and a long, private air strip with a huge "R" for "Restricted" painted on it.

But since the mid-1970s, paramilitary activities at the Farm have been on the decline. Today the basic training courses continue, but there are also top-secret conferences and "think tank" sessions there.

There are occasional signs of humor. A movie shown recently at the base theater was "The In-Laws," a spoof about a CIA agent's adventures in a fictitious Latin American country. One alumnus of the Farm, who asked not to be named, talked of encountering new recruits wearing trench coats in the middle of summer because they thought it would fit the CIA image.

Whatever the base's business, many civilians in the Newport News-Williamsburg area, which is thickly populated by retired military officers, re-

fuse even to acknowledge that Camp Peary is run by the CIA.

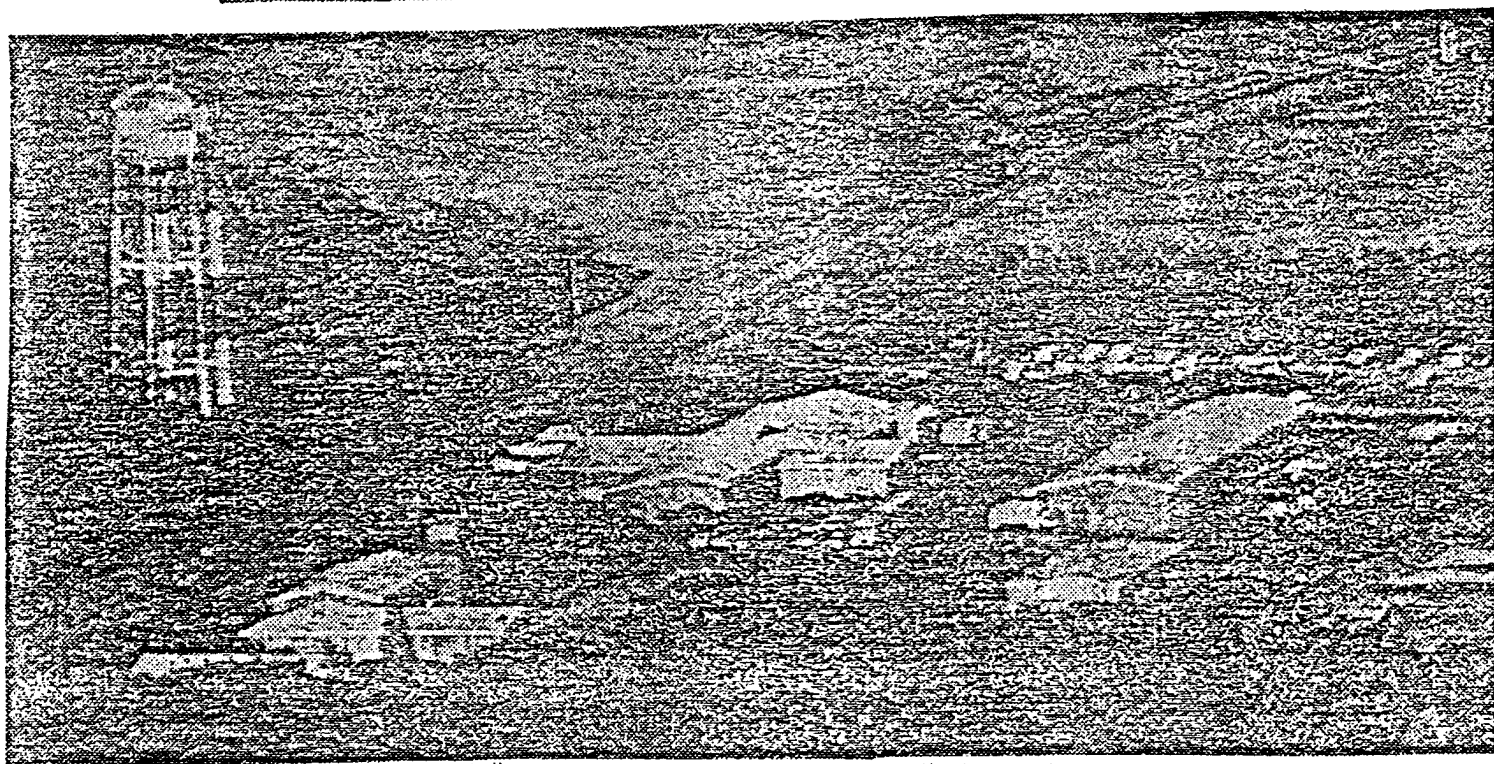
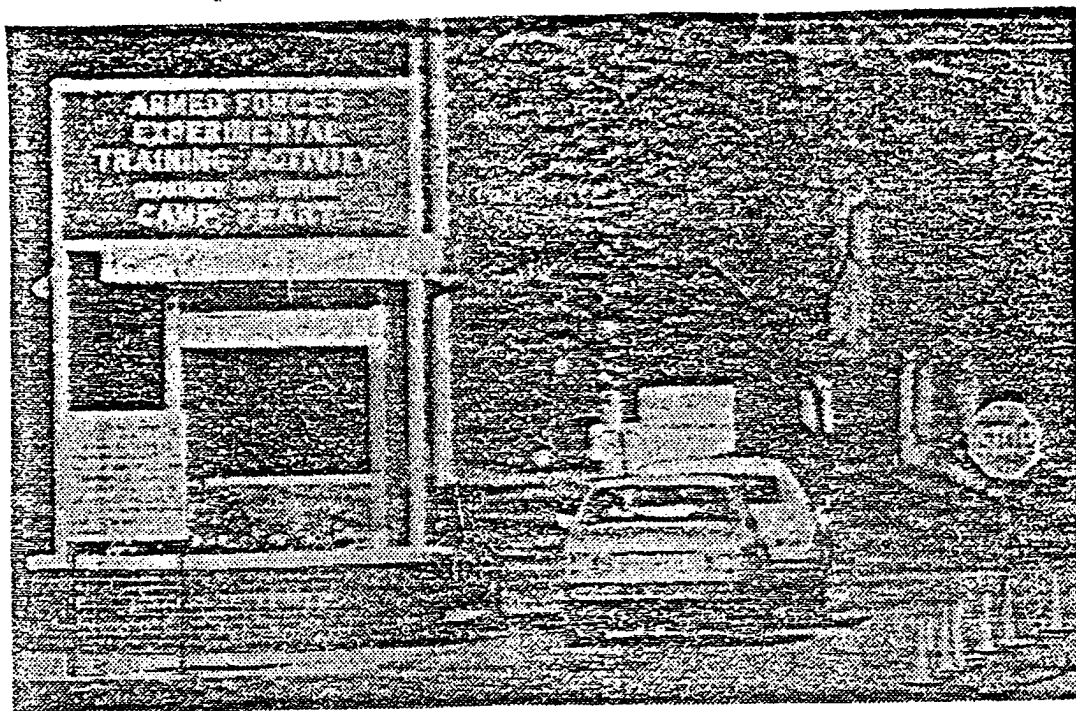
"If it is, it is," says Williamsburg city manager Frank Force. "We try to be good neighbors. We're quite patriotic here."

Ostensibly, Camp Peary is a Defense Department—not CIA—installation known as the Armed Forces Experimental Training Activity. It is carried on the Navy's inventory of bases, but the Navy refers calls to the Defense Department. Defense says only that it is "top secret."

For the insatiably curious, Camp Peary has a public-affairs officer, John Turnicky, to handle outsiders' inquiries. Contacted recently, Turnicky said there was nothing he could reveal.

"My job's very enjoyable. It's very simple. Goodbye," he said, politely hanging up the phone.

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The only public entrance to Camp Peary, Va., boasts a euphemistic description of its activity.

United Press International

The CIA's spy school is conducted behind guarded chain-link fences, in such buildings as the cluster by the camp's water tower, at right.